

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, 185
THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS GENERAL
CLAUSES ACT, 1891

7th August 1929]

Ayes—cont.

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| 42. Mr. P. C. Venkatapathi Raju. | 64. Mr. K. Uppi Sahib. |
| 43. " K. Koti Reddi. | 65. " M. Narayana Rao. |
| 44. " R. Srinivasa Ayyangar. | 66. " B. Venkataratnam. |
| 45. " Sami Venkatachalam Chetti. | 67. " A. Ranganatha Mudaliyar. |
| 46. " S. Satyamurti. | 68. Diwan Bahadur R. N. Arogyaswami |
| 47. " C. V. Venkataramana Ayyangar. | Mudaliyar. |
| 48. " J. A. Saldanha. | 69. Mr. K. P. Raman Menon. |
| 49. " G. Harisarvotam Rao. | 70. " R. Nagan Gowda. |
| 50. " Basheer Ahmed Ayyed Sahib. | 71. " C. R. Parthasarathi Ayyangar. |
| 51. " C. S. Govin aya Mudaliyar. | 72. " Chavadi K. Subrahmanya Pillai. |
| 52. " Abdul Hameed Khan. | 73. The Maharaja of Pithapuram. |
| 53. " L. K. Tulasiram. | 74. Mr. B. Ramachandra Reddi. |
| 54. " K. V. R. Swami. | 75. Rao Bahadur Sir A. P. Patro. |
| 55. " D. Narayana Raju. | 76. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 56. " K. R. Karant. | 77. Khan Bahadur Abdul Razaack Sahib |
| 57. " K. Madhavan Nayar. | Bahadur. |
| 58. " P. Anjaneyulu. | 78. Mr. Kadir Muhi-ud-din Sahib. |
| 59. " A. Parasurama Rao. | 79. Diwan Bahadur S. Kumaraswami Reddi- |
| 60. " C. Ramasamyajulu. | yar. |
| 61. " T. Adinarayana Chettiayar. | 80. Mr. T. M. Moidoo Sahib. |
| 62. " Ahmed Miran Sahib. | 81. Rao Bahadur K. Sitarama Reddi. |
| 63. " Sriman Biswanath Das Mahasayo. | 82. " B. Muniswami Nayudu. |

Noes.

1. Mr. P. Siva Rao.

Neutral.

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| 1. Mr. C. E. Wood. | 6. Mr. A. Kaleswara Rao. |
| 2. " A. J. Leech. | 7. " C. N. Muthuranga Mudaliyar. |
| 3. " F. E. James. | 8. " K. Krishnaswami Nayakar. |
| 4. " R. J. C. Robertson. | 9. " Rao Bahadur C. S. Ratnasabhapati |
| 5. " T. C. Srinivasa Ayyangar. | Mudaliyar. |

Ayes 82.

Noes 1.

Neutral 9.

The motion was carried and the consideration of the business was adjourned.

VII

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. A. KALESWARA RAO:—"Mr. President, Sir, I beg to present the Report of the Select Committee on Bill No. 17 of 1928, that is, a Bill to amend the Madras District Municipalities Act, 1920, and move that the Bill be taken into consideration."

Mr. T. ADINARAYANA CHETTIYAR:—"I second it."

The hon. the PRESIDENT:—"The question is that the Bill as amended by the Select Committee be taken into consideration."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, Sir, I rise to oppose this measure, not merely on the ground that the Government have a Bill under consideration, but on the general principle that the amendments proposed by the Select Committee are not acceptable to the Government and such people as I have consulted in other parties are also against many of the provisions which are contained in Mr. Kaleswara Rao's Bill. (An hon. Member: Have you consulted the parties?) Wait and see when they vote. Sir, the first important point on which I propose to oppose this Bill is in regard to the question of adult suffrage. I do not think it will be possible to have adult suffrage in the present circumstances of this country. Even in advanced countries like England, the franchise is more restricted in regard to

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local self-governing bodies than for the House of Commons. In such a case, I do not see why we should proceed further with regard to the adult suffrage. That is one of the important grounds on which I propose to oppose this Bill.

"The second point is this: The hon. Member wants to take away every power the Government possesses in the matter of supervision over municipalities in spite of the Government finding large funds for such municipalities in the matter of grants. I do not mean to say that the municipalities should not be given the largest possible development within themselves, but I think eventually there ought to be certain power vested or reserved in the Government, so that they will be able to pull up any municipality when its administration is going on in such a manner as it will not be possible for the people to get the maximum benefit from the municipal administration. That, I think, is a very important point to be taken into consideration. Even in western countries which are advanced in matters of local self-government, there is such a power reserved to the Government in order that the Government may intervene and put a stop to any standstill in municipal administration that may be brought about, for instance, due to factions in the municipal council or because the elected councillors have lost the confidence of the public for the simple reason that having got themselves elected, they proposed to do what they liked instead of paying any heed to public opinion. When such is the case, I think such a power ought to be in the Government to get rid of such an irregularity in local self-governing bodies.

"Sir, these are the two important points on which Mr. Kaleswara Rao's Bill seeks to amend the District Municipalities Act. Under these circumstances, I oppose the taking up of the consideration of this Bill."

* Mr. S. SATYAMURTI :—"Mr. President, Sir, I should have expected the Minister to have opposed the introduction motion on one ground, viz., that he has got a Bill dealing comprehensively with the Madras District Municipalities Act, and that he has given a promise this morning in answer to a question of mine that he would definitely introduce that Bill in the October meeting of the Council. That would have been, Sir, an intelligible position. And although I do not agree that because the Government have got a Bill and have been having it for the last so many months (An hon. Member: so many years!)—so many years—I stand corrected—therefore private legislation should be blocked, still it would have been an intelligible ground. But, Sir, it has been reserved to the hon. the Chief Minister, as he is called, to enunciate a new theory of parliamentary legislation, that the Opposition ought not to initiate legislation unless all the provisions contained therein are acceptable to the hon. the Minister and his Government. I do not think, Sir, if my friend had weighed the value of his words—which he often does not, I regret to say—he would have used those words, namely that the Opposition which is admittedly in a minority, and is an Opposition because it is in a minority, ought not to introduce legislation unless it gets the previous approval of the Government. It seems to me, Sir, an absurd proposition for any Minister or any Government to put forward.

"Then, Sir, he suggested that he has consulted the members of some other parties, and that they are against some of the provisions of this Bill and therefore this ought not to be introduced. And when interrupted and asked whether he has consulted some of them, he said 'you had better wait and see when they vote'. I know too much of the reasons for which votes are given

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in this House to take that argument seriously. I suggest, Mr. President, that my hon. Friend should face this Bill, put down his amendments on the paper as he has put down several amendments, and take the vote of the House after using his arguments and his voting strength and after we have used our arguments and our voting strength. If this House were to accept his proposition, it comes to this: that legislation can never come up before this House except with the approval of the Government and the unanimous assent of all the parties in the House or of such members of the parties as are in the confidence of the hon. the Chief Minister. That seems to me, Sir, to be a negation of all Parliamentary legislation. After all, we in a minority, we in Opposition, want our legislation to be considered by the House. We may succeed, or we may lose, it does not matter to us. If we succeed, we shall be able to put on the statute-book a legislation which the House accepts; if we do not succeed, we shall have placed before the House an opportunity of legislating on what we consider sound lines of legislation, and the country and the electorate will decide whether the Government or we were right in dealing as we did with the legislation which we have introduced.

"Then, Sir, my hon. Friend in opposing the motion said by a cursory examination of the amendments as he looked at them—that there are two provisions to which he takes strong exception. The first is adult franchise. He said that even in England in the municipalities the suffrage is more restricted than even for Parliament and therefore he cannot accept it here. I should like him, Sir, to consider whether he thinks that we ought to repeat the mistakes of England, because the mistakes are committed by Englishmen. Is it seriously suggested that while in England the franchise is restricted—I do not know if it is, I should like to examine that carefully—more restricted than even Parliamentary franchise, we should not in our own country progress towards adult franchise, if we believe in progress by stages—which by the way I do not concede—which should begin with district municipalities? I can conceive of no more congenial area in which to start the experiment of adult suffrage than district municipalities. They are, after all, compact areas and there is a larger percentage of educated men and women who know the value of the vote than in other places, and if we have any faith in adult franchise, it seems to me that political expediency should dictate to us that we ought to start with district municipalities and watch the results of adult suffrage. Then, Sir, why should my hon. Friend be so much against adult franchise as not even to give this House an opportunity of pronouncing upon it? Sir, we are anxious to have that question discussed and voted on on the floor of this House; for, we are told in other places that other parties have got the monopoly of the democratic instinct, that they represent the millions of the people of this country, that their hearts are bleeding for their sorrows and that they are anxious to serve them. We say it is best for each man or woman to decide for himself or herself what is good or bad for himself or herself. We say adult suffrage will give all the adult citizens of this province a right to share in the management of his or her civic or municipal affairs. I should like to know what argument the other parties are going to advance against such adult suffrage. It seems to me, Sir, to say that there should not be adult suffrage, and to add that 'I shall not allow this House an opportunity of discussing and voting on adult suffrage,' are certainly not consistent with the ordinary canons of fair play which the Opposition has got a right to expect at the hands of any responsible Government.

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"Then, Sir, my Friend waxed eloquent over the provisions which reduce Governmental supervision over municipalities. There I say he does less than justice to a Select Committee which sat long and laboured over the provisions of this District Municipalities Act. There, we have not eliminated Government supervision altogether at all. We have provided for such supervision as we considered necessary in the interests of efficiency, consistent with the full freedom of municipalities to govern their own affairs. After all, Mr. President, is it clear, so clear that we cannot even be allowed to discuss it, that the remedy for the excesses of elected members, their acts of commission and omission, lies in a supervising authority set above them? Is it not the lesson of history that after all, democratically elected bodies must find their own correctives in themselves, and they must learn to look to the electorate and that the electorates must be careful to cashier the members if they do not continue to deserve the confidence of the electorates?"

12-30
p.m.

"I was somewhat surprised to hear the last argument of my hon. Friend the Chief Minister. He said that elected members, after they are elected, cease to be responsible to the electorate, disobey their mandates, and yet continue in office, and that therefore there ought to be power in the Government to cashier them. That argument comes with very ill grace from my hon. Friend the Chief Minister. If he merely turns to his left, he will see two colleagues there who after having been elected with a particular mandate of the electorate, sit with him on the Treasury Bench. There is no power to cashier them! It seems to me, Sir, that when he can tolerate two such colleagues to his left and rejoice in their confidence and they in his, it ill suits his lips to suggest that in the case of smaller municipalities, if perforce the elected members cease to deserve the confidence of the electorate, there ought to be some power in this Government to remove them. Why should this Government have that power? I would sooner leave it to the electorate who will, after all once in three years, have a chance of teaching these people, who betray them, a lesson. It seems to me, it will be an appeal not from Philip drunk to Philip sober, but from Philip sober to Philip drunk. I would therefore prefer that the electorate should have the power of dealing with those people, and not leave it to this or to any other Government.

"I have only one more word before I sit down. The Select Committee sat for many days. The meetings were attended by the hon. the Chief Minister as often as he found time to attend and to take part. He moved amendments and he voted. Now he has also given notice of amendments. At the same time, it is less than fair to this House, after having done all this and raised expectations in the minds of hon. Members of this House that this Bill is going to be considered, to suddenly jump up and say 'I will not have this Bill discussed.' Then, why did he give notice of the amendments which you find on the notice paper? When did he change his mind, and if so why did he change his mind? I think it is a matter concerning the dignity of the House, that when a Bill has been reported on by the Select Committee, and when amendments have been tabled by the Government, the Bill ought to be discussed, before it is voted upon. Even in any private legislation, are Government to dictate by their majority of voting strength what Bills shall come first and what Bills shall not? It will be a serious interference with the rights of the Opposition, which I trust no Member of the House would tolerate.

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"Further, as a mere matter of correct parliamentary convention, I plead with this House to vote for the motion of my hon. Friend from Bezvada that the Bill be taken into consideration and not to support the view of my hon. Friend the Chief Minister that this Bill ought to wait because he is going to introduce a Bill in October, for which Government sanction is in the process of being asked for in some Secretariat; and, secondly, because he says that these amendments may not commend themselves to him. Whether they commend themselves to him does not matter. The only question is whether they commend themselves to the House. I hope the House will not show its dependence on the Minister so obviously as to say that the amendments are opposed by the Minister and therefore they ought not to be supported. Let the House have a chance of hearing and then decide once for all whether they are going to accept these amendments, or whether they are going to accept the Bill or not."

* Mr. F. E. JAMES :—"Mr. President, we find ourselves in a somewhat difficult position with regard to this Bill. We have all along held that we should have a more comprehensive Bill. But we are in the dark as to what the nature of the Government's proposal will be in regard to their legislation. I suggest that it would have set matters right if Dr. Subbarayan as a Member of the Select Committee had sent in a note of dissent conveying his general views. I think I do remember a supplementary note which was circulated after the publication of this report, but even in that note of Dr. Subbarayan, there was no indication of the general policy for which he stood. Nor have we any indication in the speech he made to-day of the lines on which his Bill will differ from the Bill of Mr. Kaleswara Rao. Therefore I submit that he is placing every party in this House in a difficult position. No one wants to obstruct any Bill to amend either the Municipalities Act or the Local Boards Act. On the other hand, we do not want to encourage piece-meal legislation which will only amend certain sections of an Act, and leave others which also require amendment. We feel that this Bill deals only with certain aspects of the Municipalities Act and leaves out certain other aspects which are of vital importance. Furthermore, the Bill as it emerged from the Select Committee, is in my opinion, unfair to certain persons serving in municipalities. It will make it almost impossible for non-official Europeans to serve on these municipalities. I believe, I do not know, if I remember correctly, that there are some fifty or sixty non-official Europeans at present serving in different district municipalities and I think they are doing valuable service. Therefore, any proposal which comes before the House should not deprive our community of the opportunity of serving on these bodies. Once more, I ask the Government to give this House some indication as to the policy which they propose to pursue as an off-set to the proposals in this Bill. Otherwise, it is very difficult for the House to make up its mind."

MR. ABDUL HAMEED KHAN :—"Sir, it is really deplorable that at this stage the hon. the Chief Minister should have come forward with a motion for adjourning the consideration of this Bill or rather for opposing the motion for the consideration of this Bill. As has been pointed out, the Minister himself was a Member of the Select Committee and that Committee sat from day to day to consider important questions with regard to which he has taken objection at this meeting. I remember, if I recollect rightly, that the hon. the Chief Minister was present when these two important questions of adult franchise and control of the Government over municipalities were considered

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by the Select Committee. If he desired to put before the Committee the point of view of Government, it was open to him to do so before the Select Committee. Sir, with regard to the question of adult franchise, my hon. Friend Mr. Satyamurti has also stated that if we should begin to introduce adult franchise at all in any system of administration in this country, it should be in the district municipalities. It will be futile to take cases obtaining in other countries which are far more advanced than our own country. He says that in England and other advanced countries, in municipalities, they do not have adult franchise, or rather they have a more restricted franchise than that is obtainable for parliamentary elections. Well, Sir, I beg to differ from that attitude, because from our experience of things obtaining in our municipalities, I feel that if justice has to be done to all the communities that inhabit those municipal areas and if we have to educate our people politically, it is incumbent on our part to introduce adult franchise in the district municipalities to begin with.

"With regard to the question of control of the Government over district municipalities, I am afraid my hon. Friend the Chief Minister has not given the necessary attention to the provisions in the Bill. If he has, he would have seen that enough control has been conceded to the Government over the municipalities.

"With regard to the question of Government introducing a Bill, not only this Council but the Presidency is aware of the way in which the Government has been contemplating the introduction of Bills to amend the various Acts and the time that Government has taken in the matter. One cannot rely on the assurance of the Government with regard to the time that they might take in introducing this Bill or any other Bill. I do not see the reason why we should postpone the consideration of matters of such importance on the assurance which is not quite reliable of the Government at any time introducing a Bill or not.

"I was not able to understand the attitude taken by the European Members of this House as expressed by Mr. James, the hon. Member for the Planters. While I thought that Mr. James was supporting the Bill I ultimately found that by supporting this side or that side at the same time he came to the conclusion that this Bill ought not to be considered. If the European community wants places in the district municipalities, it cannot be done by supporting the obstructive tactics on the part of the Government but by trying to see that their case is placed before the people. If this Bill is allowed to be considered by the House now, I am sure that the case of the Europeans will not go by default. Now, if the European community comes forward with any amendments and if the European community wants representation on district municipalities, certainly, we are prepared to consider their case, but it cannot be done by co-operating with the Government and obstructing and preventing the consideration of a Bill from a non-official member. The European community knows how difficult it is for non-official members to bring forward legislation—they are also non-officials. They do not have with them the drafting section which the Government have for preparing Bills, but they have to depend on their own resources and when once a Bill is prepared, it has to go through the ballot and after it comes through the ballot, it comes before the Council and it takes time for the consideration of all these things. But, when once a Bill of this nature has passed through all these stages and it

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has to be considered with amendments that have been given not only by non-official members but by the hon. the Chief Minister also, I do not see that any purpose will be served by any section of the House opposing the consideration of this Bill.

“The hon. the Chief Minister said that he consulted some of the members or rather leaders of parties—I do not know which party has been consulted. As a matter of fact, I do not think that we have been consulted and I do not even think that our party consulted the Minister on this matter. I therefore appeal to my Friends, the Fellow Members of the Council on the other side of the House and the Justice party, not to allow the Government to adopt such tactics so far as this legislation is concerned. It is not only the Congress party that will suffer, but also the other parties which occupy the position of non-official members of this House equally. Therefore, do not make this a precedent. Do not support the Government in their attitude of obstruction. On the other hand, support the non-official members of this House in carrying through this piece of non-official legislation. I appeal therefore to the non-official members here not to join with the hon. the Chief Minister and oppose the consideration of this Bill.”

12-45
P.M.

Rao Bahadur B. MUNISWAMI NAYUDU :—“Sir, I just rise to say that it is not just now that the hon. the Chief Minister announces that he proposes to introduce a Bill amending the District Municipalities Act, for the matter has been under consideration for some time past. I may bring to the notice of the House that there was a conference of some Members of the House where the Chief Minister considered the amendments that seemed necessary. Suggestions were made and decisions were taken at that conference in pursuance of which a Bill has been drafted. As a member of the Advisory Committee I got a copy of it. I understand that the Bill itself will be introduced early, from what the hon. the Chief Minister said at question time, in October. Sir, I am one of those who are against piecemeal legislation especially in a Bill as the one relating to the District Municipalities Act. And if a comprehensive Bill will be introduced by the Government as early as possible there will be nothing more satisfactory than that. With a view to give the Government a chance to fulfil their promise, I propose that the consideration of the present Bill be adjourned till October. Within which time the Government will be in a position to say whether they will actually introduce a comprehensive Bill or not. If they introduce a Bill we shall proceed with it; if not, we shall take up the present Bill and go on with it. With your permission, Sir, I therefore move—

‘That the further consideration of this Bill be adjourned till October 1929.’”

Rao Bahadur K. SITARAMA REDDIYAR :—“I second it.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I am sorry that we are driven to this position to-day of not being able to discuss this Bill. I entirely agree with Mr. James on one point, namely, the result of excluding Europeans from becoming members of municipalities. Nobody on this side of the House will ever say that the European should necessarily be excluded. In my own district of Coimbatore, there was my friend Mr. Stanes as an elected member of the municipality for a very long time and after him, some member or

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other of Messrs. Stanes & Co. has been nominated to the municipal council. The proper course to remedy that defect in this Bill will be to bring in an amendment to enable Europeans being on the council. Now they depend on the sweet will and pleasure of the Collector who makes recommendations to the Government in this respect. Leaving aside this single mistake, if it be considered a mistake at all, there are some very good proposals in the Bill. Let us look at the way in which this Bill has been treated by the Government. The hon. the Chief Minister told the House this morning that this matter had been before the country and the Government for the past one year, whereas the truth is that hon. Members know that for the last nine years the question of amending the District Municipalities Act has been under the consideration of the Government. Every time the Government have been saying that a Bill would be introduced. I believe sometime ago a Bill was introduced but it had to lapse as the Council was prorogued. Then again, it was very often said that the Bill would very soon be introduced. With regard to the history of this Bill itself, when the hon. Member introduced it here, the hon. the Minister opposed it on the one ground that he was going to bring in a comprehensive Bill. But this Council voted against his opposition and allowed the introduction. That is a point which we ought to remember. Does the House want to be consistent or does it want to eat its own resolutions. I especially appeal to the European Members of this Council to see that the dignity and consistency of this House is maintained and that they do not help in the destruction of such an understanding. We know, Sir, that in spite of the hon. the Chief Minister's opposition, this Bill was introduced in this House. It was then referred to the Select Committee. We do not know what took place during the deliberations of the Select Committee. The hon. the Chief Minister attended a number of its meetings and in spite of his having the Secretariat at his disposal he was not able to send his minute of dissent in time. He took very long time over it. Even on the last occasion when the consideration of the Bill came up before the House, I remember a motion was brought, the same as is now proposed by Mr. Muniswami Nayudu. The hon. Minister then said: My Bill is ready, almost ready and therefore wait. The next meeting of the Council has come, Sir, and the Bill has not yet seen the light of day. What is more, even to-day what does the hon. the Chief Minister say? He says that he expects, he is certain—if any weight could be attached to his certainty—that the Bill will be introduced in October. What are the considerations necessary before the Bill could be introduced? The sanction of the Governor-General should be got. After the advice given by the Secretary to the department, the sanction has to be applied for. The hon. the Minister said that it was in the process of being sanctioned. We do not however know how long the Secretariat which has taken so long to apply for sanction will take before the Bill could actually come up before the House. That will certainly be two or three months. Then, Sir, where is the guarantee that the sanction will be accorded. It may take a long time to apply and before the sanction is got further time would be lost in correspondence. And all this will take us on to two or three years more. The hon. the Chief Minister sent as I said his minute of dissent at a very late stage and he has also given notice of the amendments put down on the paper. He raises objection now before the House to the principle of adult suffrage contained in the Bill. Has the Minister raised this objection in his minute of dissent? So far as I have been able to understand his minute, he has not. Nor has he

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raised any such objection in the amendments of which he has given notice. So, one of the important points in the hon. the Minister's objection has never been considered by him or by the Secretariat up till now. I do not think it is fair at this stage for the hon. the Chief Minister to attempt to postpone consideration of this Bill. As I said, Sir, there may be other considerations involved, but I will say just one word. Even this Bill which may be so full of mistakes from the Government point of view has got some very good provisions. I will just mention the instance of lady candidates finding a place in municipal councils. I ask the learned Deputy President whether she wants the provision which enables lady candidates to enter the council to be delayed. Is there to be no doctor, no lady public worker in the councils of the municipalities? Are they not fit to represent any ward on the council? If we postpone consideration of the Bill at present, the only possible result will be that we will have no amending Bill at all for during the past ten years, the Government have not been able to bring one for our consideration excepting of course one or two piecemeal measures. I therefore appeal to the European members here and to the hon. the lady Deputy President, not to throw away the Bill but to suggest amendments, discuss them and try to improve the measure in that way. The Government and their supporters command a huge majority who are perhaps prepared to be inconsistent with themselves and nullify their previous resolutions but it is our duty to take this measure now into consideration. With these words, I strongly object to the postponement of the consideration of this Bill."

The hon. Dr. P. SUBBARAYAN:—"Sir, ..."

Mr. P. ANJANEYULU:—"On a point of order, Sir. The hon. the Minister has no right to address the House again at this stage."

The hon. the PRESIDENT:—"The hon. Minister is speaking on the motion for adjournment."

The hon. Dr. P. SUBBARAYAN:—"Sir, I am willing to have this adjourned as Mr. Muniswami Nayudu suggests. And I think it is only fair that I should answer the question that Mr. James propounded in his speech."

The hon. the PRESIDENT:—"The hon. Minister will have an opportunity to speak again when this motion has been disposed of and when the mover of the substantial motion has replied. His attention is drawn to the Standing Orders."

* Mr. K. R. KARANT:—"Mr. President, Sir, I beg to oppose the motion for adjourning this Bill. My hon. Friend Mr. Muniswami Nayudu said that he wanted to know what the views of the Government were on the proposed Bill. The two points on which the hon. the Minister has now opposed the Bill are adult franchise and the power of Government to get rid of bad municipalities. On the first question, I may say, Sir, that the hon. Minister called a conference of representatives of all parties of this House and at this conference in which my hon. Friend, Mr. Muniswami Nayudu himself was present this question of adult franchise was discussed and adopted! And in the copy of the Bill which was prepared in accordance with the resolutions of this conference provision is made for adult franchise. This Bill has been circulated to us. The hon. Minister's argument was that in England there was no adult franchise for these smaller bodies; whether that is right or wrong, I may just tell him, Sir, that in this country in the case of village panchayats,

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taken as the smallest unit, we have gone the other way and have adopted adult franchise. It was the opinion of most of the members who were present at the conference that it was high time to make a trial of adult franchise at least in the case of municipalities. The other point the hon. Minister raised was the power to get rid of bad municipalities. I think, Sir, the present Bill as amended by the Select Committee gives ample power in that direction. Clause 23 of the Bill, instead of giving a long period of two years to supersede any bad council fixes only one year within which attempts should be made to reconstitute the new municipality. I do not therefore think that the objection was seriously raised. I think, Sir, that even if the points which the Government say they would bring in a measure of their own are taken up, it will be found that this Bill covers almost all of them. The summary of the main changes which were set down in the Bill which was prepared by Government after the conference to which I have referred mentions some of these and I may briefly state them. One was the abolition of the system of nomination to the municipal councils. Both in this Bill and in the old Bill the Minister was anxious to abolish this system of nomination and he only wanted that the power of nomination should be taken away. Now the present Bill as amended by the Select Committee accepts that principle. The second is the enfranchisement of adults in municipal areas. I do not know whether the hon. Minister has changed his mind after this Bill was circulated to us. The third point is the removal of disqualification of women on the ground of sex to stand for election. The present Bill removes that disqualification and so does the Bill which the Minister proposes to bring. The fourth point is the general quinquennial election. It is not a serious matter whether it is three years or five years. It is a matter which by a simple amendment to the present Bill we can remedy. The fifth point is the entrusting of functions connected with elections to officers of Government. I am not sure what the provision of the Bill in this respect is but that does not seem to be a very important matter.

1 p.m.

"Then, Sir, the provision for a vote of no-confidence in the chairmen or vice-chairmen of the municipal councils is also found in the present Bill. There is absolutely no difference between the points accepted by him and the points laid down under the present Bill. There is one other point which I may submit, and that is that in the first Bill that was brought forward by the hon. the Chief Minister—and I take it that that was the policy of the Government—there was a provision that there should be executive officers appointed for all municipalities. He went back on that position as he found it was opposed by all or most of the municipalities. I myself thought that that provision was necessary in the interests of good and efficient administration. But this only illustrates how the hon. the Chief Minister has no mind or opinion of his own on any point, because this important point which he urged in the first Bill he omitted in the second Bill. At any rate when the conference was called he acceded to all these points, and I say most of them can be made to come in by means of amendments into the present Bill itself. I think it is hardly fair that the hon. the Minister or my hon. Friend Mr. Muniswami Nayudu should now put off the consideration of this Bill. There were no controversial points, and so far at any rate as I know when the conference met, all the contentious points were agreed to. We did not sit at that conference as so many parties, but we were all interested in seeing that the administration of the municipalities was improved.

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[Mr. K. R. Karant]

"One other point. I do not know what the Government Bill is going to do about the exclusion of Europeans. On this point I may assure you, Sir, there are many amendments; there are three amendments at least, one by my hon. Friend Mr. Kaleswara Rao himself which says that Europeans also may be included along with Anglo-Indians. Then, there is my own amendment in the Bill which suggests the method of co-option so that anybody can come by that method of election to the Council. Then there is the amendment of the hon. the Chief Minister to the effect that Europeans can come in as supernumerary members on the Council. It seems to me, if I may say so plainly, that the hon. the Minister may fail to bring in his Bill until the very close of the life-time of this Council. When friends come to me and ask me when his Bill would come up, I tell them that the hon. Minister would bring it up at the eleventh hour as, if he does not succeed in getting his Bill through, he is afraid he will have to resign. Therefore he is putting off the evil day. I submit, Sir, that this consideration should not weigh with this hon. House. I assure hon. Members that there are many good points in this Bill and most of the points on which the hon. Minister has brought in his Bill have been incorporated in the present Bill, and it is up to us to improve this Bill by means of proper amendments and see that we go on with the consideration of this measure which has been hanging for a long time. I think he has now opposed one or two points because he could not come forward with his stale old argument that he was not ready with his own Bill, which was used again and again by him in the case of several other Bills. Then, Sir, so far as the Government control is concerned, I do not think any very serious change has been made at all in the present Bill. I myself in the Select Committee, as the hon. the Minister will bear me out, said that I was not against Government control at all. My short experience has taught me that we spoil our Councils more by our internecine fights rather than by Government interference. If the hon. the Chief Minister is against any of the provisions in the present Bill, it is up to him to bring in amendments and not stop the Bill at this stage by not allowing any other party to bring in any measure when he is not himself prepared to bring forward any."

* The hon. Sir THOMAS MOIR :—"Mr. President, I do not propose to deal with the merits or demerits of the present Bill, but I would like to say one or two words with reference to the attack which I think has most unjustly been made on the hon. the Chief Minister. Now, Sir, may I point out that the Bill now before the House is a private Bill and, necessarily, is subject to those disadvantages which apply to private legislation. In the first place, much has been made by the hon. Member for the University of the fact that this Bill has gone through a Select Committee. But may I point out that the Select Committee was almost entirely representative of only one party in the House. (Voices :—'No, no.') I have, Sir, the names in front of me. Now, of course it may be said . . ."

Mr. G. HARISARVOTTAMA RAO :—"On a point of order, Sir, is the hon. Member aware that he is reflecting on the conduct of the House which elected this Select Committee?"

* The hon. the PRESIDENT :—"He is only describing the members of the Select Committee; that is all. He never attacked the vote of the House."

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* The hon. Sir THOMAS MOIR :—"Now, Sir, it was suggested by the hon. Member for the University that by the fact of the hon. the Chief Minister having served on that committee, he in some mysterious way is bound to allow this report to come before this House. Now, it has been a custom for the Government Members concerned to serve on the Select Committees of private Bills, but if that argument were to be used, it seems to me that the Government would have seriously to consider the question as to whether any of its Members should sit on the Select Committees for private Bills. It is, I think, desirable that at least in some cases they should do so because it means that they are able to keep the Select Committee in touch with the attitude of the Government and possibly make good any defects attaching to useful private legislation so that when the Bill comes up before the House the Government would be able to accept it. But in this case, I can only go by the Minute of Dissent of the hon. the Chief Minister and from that . . ."

Mr. S. SATYAMURTI :—"On a point of order, Sir, under the Rules and Standing Orders, Minutes of Dissent have got to be sent within a specified time, and if they are so sent, your office would be in a position to print and circulate them to all of us. But in this case, as far as my information goes—I make this statement subject to correction by your office—this so-called Minute of Dissent was not sent within the time prescribed by the Rules and Standing Orders. By some authority—I do not know which—it got printed and it got circulated . . ."

* The hon. the PRESIDENT :—"Was it circulated to Members of the Council?"

Mr. S. SATYAMURTI :—"No, it was not."

* The hon. the PRESIDENT :—"I only request the hon. Member to ignore the Minute of Dissent if it has not been circulated to Members."

* Mr. S. SATYAMURTI :—"But my point of order is that a paper which is not circulated to hon. Members is being referred to by the hon. the Finance Member."

* The hon. Sir THOMAS MOIR :—"Whether technically it comes within the definition of a Minute of Dissent or not, here is a printed paper which fully explains the objections of the hon. the Chief Minister which I believe he had also urged in the Select Committee. And if it is not already placed on the table of the House, I am perfectly prepared to place it on the table now."

* The hon. the PRESIDENT :—"Order, order. Discreetly I kept silent with reference to this Minute of Dissent. But I think the hon. the Chief Minister has not given the full history of this Minute of Dissent to his Colleagues. This Minute of Dissent was published by the Law (Legislative) Department in the Gazette, and it was brought to my notice. I requested the hon. the Chief Minister to explain the circumstances to me, and he has written an apology saying that by inadvertence it was published in the Gazette, and that it ought to have gone through the Legislative Council Secretary to the Gazette. That is quite a different matter. But I think it is better not to refer to that document because it does not form part of the proceedings either of this Council or of the Select Committee."

* The hon. Sir THOMAS MOIR :—"Then, Sir, I will content myself with saying that I believe I have the authority of the hon. the Chief Minister for the statement that in the Select Committee he raised the objection, and it was

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only after raising such objection that he had seriously to consider whether he could accept that Bill or recommend it for the acceptance of the Government. Now, Sir, there are two courses which are open to the hon. the Chief Minister”

Mr. G. HARISARVOTTAMA RAO :—“On a point of order, Sir, has the Minister the right to disclose the discussions in the Select Committee, and has the hon. the Finance Member the right to refer to them?”

* The hon. the PRESIDENT :—“I think the report of the Select Committee is placed on the table of the House.”

Mr. G. HARISARVOTTAMA RAO :—“It is not the report that he is referring to, but conversations and discussions in the Select Committee.”

* The hon. the PRESIDENT :—“Anything not published cannot be referred to.”

* The hon. Sir THOMAS MOIR :—“Then Sir, at least I take it I am entitled to say that the hon. the Chief Minister was entirely opposed to this Bill, (Voices : ‘No, no’), at least materially. Now, Sir, there were two courses which were open to him. The one was to oppose the report of the Select Committee being taken into consideration. That was perfectly legal and perfectly justifiable on his part. But the hon. Member for the University made much capital of the fact that he tabled amendments. Why should he not table amendments without waiving in any way his right to oppose the taking of the report into consideration? The taking of the report into consideration is a matter before this House. That is the question which is being discussed now and on which the House will proceed to vote. He considers that he was justified in opposing even the motion for the report of the Select Committee being taken into consideration. The decision on that issue rests with the House and why should he not table amendments against the possibility of its being taken into consideration? I do not see that this in any way is inconsistent with his position or his rights with reference to this Bill. Then the other question which has been raised by the hon. Member for the University and I think by some other Members likewise is the question as to whether it is desirable or convenient to have two Bills which cover the same field, and which may take up practically the same time. Now, Sir, the hon. the Chief Minister has been invited to lay before the House now the scheme of his own Bill. I, of course, can have no objection if he chooses to do so, but I would suggest to the hon. Member Mr. James that it is hardly a reasonable request to make of the hon. the Chief Minister that he should now, two months before the date on which he proposes to introduce it, unfold the scheme of his Bill. And I think it is evident from the debate that has so far taken place, that this course would lead to the greatest inconvenience and the greatest confusion if, while one Bill was under Legislative discussion, we should be informally considering another Bill. And I would recommend to the House that under these circumstances they should at any rate consider the advisability of postponing the discussion of this Bill. And even though there might have been some delay as regards the introduction of this comprehensive Bill, I have not the slightest doubt that it will be introduced at the next meeting, but if not the House has its remedy.

“I would suggest therefore that we may follow the course which has been proposed by the hon. Member, Mr. Muniswami Nayudu, and postpone the consideration of this question. I am perfectly sure that if we are to have two

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conflicting sets of proposals one contained in this private Bill and the other contained in the comprehensive measure of my hon. Colleague the Chief Minister, forming the subject of a miscellaneous debate in the House, we shall not really be furthering the business of the House, or the discussion of those proposals advocated by such hon. Members as are in favour of this Bill."

* MR. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, while I admire the chivalry of the hon. the Finance Member, Sir Thomas Moir, for the defence he has put up in favour of his ever-erring colleague, the hon. the Chief Minister, I am afraid I must also ask the House to have some commiseration for the hon. the Finance Member for the somewhat inconvenient situation he landed himself in, in trying to defend his Colleague. This is the first time I see when the hon. the Finance Member has slipped into several inconsistent statements. That is no doubt due to his want of information with regard to this subject that ought to have been supplied by the hon. the Chief Minister. Sir, Sir Thomas Moir referred to the fact that this Bill which is brought forward by a private Member will have the disadvantages natural to such a measure. Nobody denies this statement of fact. But the Bill is far advanced in spite of the handicaps which a private Member is put to in pressing legislation in this House. It has had the co-operation of the opposing party headed by the hon. the Chief Minister in the course of the Select Committee stage. Several objections have been raised in regard to several points, and there were differences of opinion between both sides. Evidently the Chief Minister was over-ruled in all those objections of his. But the result has been the present Bill. I am afraid, Sir, the fear the Government has in allowing this Bill to go forward lies in the weakness of the Minister. If the Ministry can possibly marshal all its forces in favour of the proposals they have in view, they could themselves bring forward an amending Bill. The inherent defect is in the lack of strength of the Ministry in pushing on a measure of their own or in opposing a measure coming from the Opposition, on its merits. It has necessarily to depend on the good-will and favour of the various parties. I doubt if my hon. Friend Mr. Muniswami Nayudu has done the Chief Minister any service in bringing forward this motion before the House, probably the hon. the Chief Minister would have wriggled out of the situation by merely stating the purpose of the Bill which he is going to introduce hereafter. But, instead of leaving the hon. the Chief Minister to have his say, my hon. Friend Mr. Muniswami Nayudu wedged in this amendment, which necessitated a longer discussion over this question.

" Sir Thomas Moir referred to one thing, namely, the composition of the Select Committee, which he said was all one-sided. I am afraid here again he was speaking without the book. The Select Committee consisted of thirty-one members of which eighteen did not belong to our party. (Hear, hear)."

The hon. Sir THOMAS MOIR :—" On a point of personal explanation, Sir, I never said that the *entire* committee consisted of one party. (Mr. G. Harsivottamma Rao : "One party, you said)."

* MR. SAMI VENKATACHALAM CHETTI :—" Be that as it may. As has been already pointed out by previous speakers, the only two objections now trotted out by the Government are with regard to adult suffrage and the control of the Government over erring municipalities. My attention is drawn to what

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happened in the Select Committee, when the hon. the Chief Minister did not raise any objection with regard to adult suffrage. That statement is borne out.

The hon. SIR THOMAS MOIR :—"On a point of order, the hon. Member is referring to the Select Committee proceedings."

The hon. the PRESIDENT :—"I have already requested hon. Members not to make any further reference to that."

MR. SAMI VENKATACHALAM CHETTI :—"I may refer, Sir, to the amendments which have been sought to be moved by the hon. the Chief Minister. There is absolutely no amendment tabled by him on that subject. Then, it is only the Government control that is left. Many of the Members on this side of the House do realize that erring municipalities ought to be checked by means of a minimum authority being reserved by Government. I have no doubt Mr. Kaleswara Rao has made ample provision in regard to that matter. It seems to me, therefore, that the object in obstructing the further procedure of this Bill is the realization by the Government that it has not got enough strength to push their point of view in this House. If that be so, it is an unfortunate circumstance for which we are not responsible, and we cannot wait until he sees that a strong party is gathered on his side."

* MR. K. MADHAVAN NAYAR :—"In opposing the proposal of my hon. Friend, Mr. Muniswami Nayudu, to adjourn the consideration of this Bill to the October session, I may say first of all that it may practically mean the postponement of this Bill indefinitely. It is not possible now to decide whether there will be time enough in the October session or in the subsequent sessions of this Council to take up this Bill and discuss it completely and thoroughly. The postponement, therefore, must be on adequate grounds, and the only reasons that my hon. Friend has advanced are the reasons mentioned by the hon. the Chief Minister. I therefore propose to answer the arguments that have been mentioned by the Chief Minister for the adjournment of the Bill. One of the most important reasons that were advanced by the Chief Minister was that the Bill as formulated by Mr. Kaleswara Rao and as emerged from the Select Committee does not give power to the Government to control municipalities. That certainly is a very valid objection if, as a matter of fact, there is any truth in that objection. So long as Government grants funds to municipalities, it is necessary and it is essential that the Government should have control over municipal bodies, and if the Bill that is now before the Council does not give that power to the Government, the Bill to that extent is certainly bad. But, when we examine the Bill of Mr. Kaleswara Rao, we see that as a matter of fact the Bill gives such power because he deletes only one clause in section 36 which gives that power, and the rest of that whole section 36 and section 37 with a slight modification are kept intact. Clause (1) of section 36 is,—

"The Governor in Council may, by an order in writing, suspend the execution of any resolution of a Municipal Council or of any order issued by a Council or chairman, or cancel such resolution or order, or suspend or cancel any licence or permission granted by a Council or chairman, and may prohibit the doing of any act which is about to be done or is being done in pursuance or under the colour of this Act if, in his opinion, such resolution has not been legally carried, or such resolution, order or act, or the grant of such licence or permission is in excess of the powers conferred by law, or the execution of such resolution or order or the doing of such act or the continuance in force of such licence or permission is likely to cause danger to human life, health or safety, or is likely to lead to a riot or affray."

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That clause is retained in Mr. Kaleswera Rao's Bill, and the only clause that is deleted is clause (2) of the section which says, 'If the District Collector considers that immediate action is in his opinion necessary in the public interests, he may suspend the resolution or order, licence, permission or act,' and so on. So, it is only the power of the District Collector that has been taken away, and not the power of the Government. So long as the Government considers the executive subordinates as Government itself, I am sure such arguments will be forthcoming. The Collector is not the Government, though he is part of the Government. Government is composed of the executive heads of the administration, but not the subordinate officers of the Government. So long as this power is retained by Government of controlling municipalities, the argument advanced by the Chief Minister on this point loses all its force.

"Now, the only modification made in section 37 of the Act is that for the words 'the District Collector', the words 'the Governor acting with the Ministers' are substituted. Section 37 says, 'The District Collector may, in cases of emergency, direct or provide for the execution of any work,' and so on. By substituting 'the Governor acting with the Ministers' for 'the District Collector,' the power of the Government has not been taken away, so that the most important argument of my hon. Friend the Chief Minister that the control of the Government has been taken away, falls so far as it relates to this section also.

"The Council will also realize that the Bill placed before it is a comprehensive Bill, and that Bill has been drafted by a person who has very wide experience of municipal administration, who has been Municipal Chairman for four or five years. He knows the difficulties of the administration, and, as other previous speakers have pointed out, it is very seldom that a private Member of this House is able to exercise his right of getting legislation passed through this Council. And when after the Bill has been referred to a Select Committee, and, after the Select Committee has spent a good deal of its time and labour over it, when it comes back to the Council, for the hon. the Chief Minister to get up, for a man who occupies the responsible place of the head of the non-officials in this Council to get up and oppose this Bill, is nothing but scandalous. I cannot find less strong language to condemn such an attitude, to condemn the attitude of the Government and of the non-official Chief Minister, who gets up and merely says, 'My Bill is being prepared and that will be placed before the Council'. When are you going to place it before the Council, Sir? Is it after the dissolution of this Council, next year, or the year after that? For three years, he has been sleeping, and when non-official members have spent time and labour over a private Bill, and when that Bill has passed through the Select Committee stage, and when that Bill comes up for consideration in the Council, the Chief Minister says, 'No, Sir. Let it be adjourned. I will think of a better Bill. I am preparing a Bill, and I will bring it up at any time I choose'. Is that the answer, Sir, to be given by a responsible Minister to a private Member who brings forward a Bill before this House, especially when it has reached the stage that Mr. Kaleswara Rao's Bill has reached? Sir, I fail to see the force of the argument of the Chief Minister. There are so many wonderful things in this Government; but the most wonderful of them all is its Chief Minister. He has no policy; he has no programme. To simply sit in his place and to say 'No' to every-

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thing that is done or attempted to be done by non-official members, is this the sole object and function of the Chief Minister of this Council? He does not concern himself with legislation; he does not care whether the whole world goes to dogs, but he must continue to occupy that seat with the help of friends and allies honourable or traitorous."

* The hon. the PRESIDENT :—"The hon. Member will continue his speech on the next proper occasion. The Council will now adjourn for lunch and re-assemble at half past two."

(After Lunch—2-30 p m.)

VIII

ADJOURNMENT MOTION *re* GOVERNMENT SANCTION TO PROSECUTE
MR. M. ANNAPURNAYYA.

* Mr. P. ANJANEYULU :—"Mr. President, Sir, I move—

'That the business of this House do stand adjourned to discuss a definite matter of urgent public importance, to wit, the recent action of the Government in granting sanction to prosecute Mr. M. Annapurnayya (Editor of 'the Congress'), under sections 124-A and 153, Indian Penal Code.'

"Sir, I thank you and the House for giving me an opportunity of bringing this matter to be discussed on the floor of this House. I know, Sir, the disadvantage of one who speaks on a matter like this, because it is very much limited in its scope, and from the way in which discussion took place yesterday, before you were pleased to give your permission to move this, I knew that it would be almost impossible for any one to be within the limitations prescribed by you yesterday. I hope and trust that with the limited capacity I have got I shall not transgress any of those limitations. My object in moving this motion is two-fold. One is to bring before this House and to the notice of the Government the feeling in the country; the other is to give an opportunity to the hon. the Law Member and the other Members of Government to fully and freely explain any policy there may be behind this particular action in granting sanction to prosecute Mr. Annapurnayya.

"Mr. Annapurnayya, Sir, is a young man, affable, frank, brave in his speech and bold in his behaviour. These are qualities which any civilized Government, I expect, would appreciate, qualities which they would ask their young men to foster, and cultivate. Especially the Madras Government which even with its bureaucratic traditions had recently given opportunities to this country to appreciate it in its exposition about the coming reforms, I thought, would equally appreciate such qualities and would be the last to launch a policy bordering on repression."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I am reluctant to interfere, but is my friend at liberty to discuss the policy? I think you expressly overruled it yesterday."